

Message

From: Able, Tony [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08873E26CCD44323B0F6AB96E0E8FADA-ABLE, ANTHONY]
Sent: 9/14/2020 3:55:54 PM
To: Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov]; Bouma, Stacey [Bouma.Stacey@epa.gov]
Subject: FW: GA Narrative Example
Attachments: KY Example EPA Final DD Nutrient Remand.pdf; Example KY DEP Letter to EPA _ June 19 2015.pdf

This is what I plan to send to JMG on this. Do you have any edits before I send it?

Jeananne: See the attachments. KY's letter and our approval would show Mary that we work with states to document new narrative changes under 131.6. It is an example of what we gave GA when we said we needed more info from them on how they will interpreted "unreasonably"

It is the example that we sent to EPD of how KY interpreted their nutrient narrative criteria. In meeting with EPD, we noted that we couldn't provide exact info on what Georgia needed to submit, because that would involve us interpreting the standard for them. The regulations require that the State needed to provide what methods and analysis they used and the information on how it protects the designated use. In EPA's October 2018, Section 131.6 letter that we sent to the State, we further clarified that they should include the required information for each of the parameters (e.g. oil, scum, color, turbidity, odor from municipal and industrial sources), so that they could be sure to include that, as well. The information on oil, for instance, could be very different from an analysis on odor. Lisa

If you are interested in the timeline of this KY example – The relevance here is that in this process KY clarified their Narrative.

2013 – We approve KY's Narrative without section 7 consultation with FWS – and were challenged.

2015 April – As part of the settlement, we sent a BE to the FWS

2015 June – Ky responded with more information on interpretation of the Narrative

2015 Sept. – We got FWS concurrence on the BE

2016 Jan. 11 – EPA decision remanded back to EPA

2016 Jan 20 - EPA letter reaffirming its approval of the Narrative

Lisa Perras Gordon
Clean Water Act and Hydrologic Alteration Coordinator
U.S. Environmental Protection Agency Region 4
Atlanta, GA
404.562.9317
gordon.lisa-perras@epa.gov